

AUG 23 2007

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Richard Richley et al.)
Application No. 10/518,423)
Filed: December 17, 2004) Group Art Unit: 3738
For: DEVICES AND METHODS FOR)
MINIMALLY INVASIVE TREATMENT)
OF DEGENERATED SPINAL DISCS)
Examiner: Alvin J. Stewart) Attorney Docket No. TDYNE-305

RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This communication is submitted in response to the Office Action dated 23 July 2007 on the above-identified application.

Responding, in particular, to the requirement for restriction, applicants hereby elect the claims of Group I, i.e., claims 1-28 drawn to an invertebral implant. This election is made without traverse.

Regarding the required election of species, applicants hereby elect for further prosecution at this time Species X shown in FIGURE 18. The species election is made with traverse. Claims 1, 10, 11, 12 and 15 read on the elected species.

Reconsideration of the requirement to elect a single species is requested. At least Species X, XI, XII, XIII and XIV depicted, respectively, in FIGURES 18, 19, 20, 21 and 24 should be examined together inasmuch as these species are spinal stabilizers that all share substantial structural features essential for a common utility and function, namely (1) a cage body that defines a keyed opening, (2) a rounded or bullet-shaped distal end, and (3) outwardly extending projections that serve as anchors.

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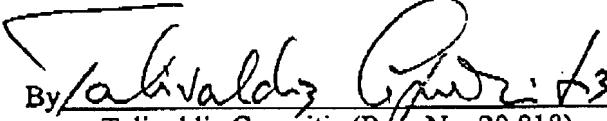
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An early action on the merits is solicited.

Respectfully submitted,

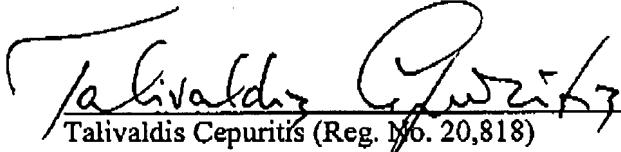
August 23, 2007

By 
Talivaldis Cepuritis (Reg. No. 20,818)

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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this RESPONSE TO RESTRICTION REQUIREMENT is being transmitted by facsimile transmission to Fax No. 571-273-8300 on August 23, 2007.


Talivaldis Cepuritis (Reg. No. 20,818)